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Via ECF

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Hon. Analisa Torres, U.S.D.J.
United States District Court
for the Southern District of New York
500 Pearl Street
New York, NY 10007

Re: *McAuley v. The Honey Pot Company, LLC*, Case No. 1:23-cv-01986

Dear Judge Torres:

On behalf of Defendant The Honey Pot, LLC ("Honey Pot"), we write to request an adjournment of the deadline to submit the proposed Case Management Plan and Scheduling Order, which is currently set for May 8, 2023. Neither party has previously requested an adjournment of this deadline.

Honey Pot's deadline to file its responsive pleading is May 19, 2023, and it is Honey Pot's position that Plaintiff's complaint should be dismissed. Honey Pot will be serving a pre-motion letter detailing its objections to Plaintiff's complaint on Plaintiff's counsel shortly. If Plaintiff does not concur with Honey Pot's objections, Honey Pot will be filing a pre-motion letter with the Court seeking permission to file a motion to dismiss by the May 19, 2023 deadline. Honey Pot requests that the deadline to submit the proposed Case Management Plan be adjourned until after the Court decides the issues to be presented by Honey Pot in the forthcoming pre-motion letter and, if Honey Pot's request to file a motion to dismiss is granted, until after the motion to dismiss is decided. Plaintiff's counsel consents to adjourn the deadline until after Honey Pot files its pre-motion letter with the Court, but Plaintiff does not consent to the longer adjournment requested by Honey Pot.

Honey Pot recognizes the Court's preferences as stated in the form Civil Case Management Plan that motions to dismiss will not stay discovery. However, Honey Pot requests an adjournment of the proposed Case Management Plan and Scheduling Order until after the Court considers Honey Pot's Motion to Dismiss because Honey Pot believes, and as will be set forth in its pre-motion letters and, if permitted, motion to dismiss, that Plaintiff lacks standing to bring the current action and, as a result, the Court lacks subject matter jurisdiction. Thus, Honey Pot requests that the Court consider the unique circumstances presented here and grant the adjournment requested by Honey Pot.

We appreciate Your Honor's attention and courtesies.

Respectfully submitted,

/s/ Loly Garcia Tor

Loly Garcia Tor

cc: All counsel of record

DENIED. By **May 8, 2023**, the parties shall file their joint letter and a proposed case management plan.

SO ORDERED.

Dated: April 28, 2023
New York, New York



ANALISA TORRES
United States District Judge